



Maryland Department of Planning

FILE COPY

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

July 1, 2008

Phillip D. Gosnell, Commission President
Town of Sharptown
P. O. Box 338
Sharptown, Maryland 21861-0338

Dear Mr. Gosnell:

Thank you for the opportunity to comment on the draft Comprehensive Plan for the Town of Sharptown. The Department feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Overall, the draft Comprehensive Plan is well organized and does a good job of reflecting State planning law, policies and objectives.

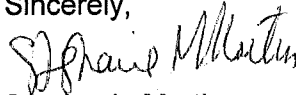
Although the Sharptown draft Comprehensive Plan references House Bill 1141(HB1141), and indeed incorporates a section of the Plan entitled "Municipal Growth Element" (MGE), it appears that this Plan does not satisfy the requirements of HB1141 for a MGE due to lack of detail. We have provided within the attached comments several suggestions to strengthen the Municipal Growth Element. Furthermore, while recognizing that the draft Plan has included a Water Resources Element (WRE), we have provided several comments suggesting changes to strengthen the WRE. Please note that this Department's comments on the WRE do not include forthcoming comments from the Maryland Department of Environment.

Given the importance of maintaining the present unique character of Sharptown, we have prepared several comments, which are provided in the attachment to this letter. In addition, we forwarded a copy of the Plan to a number of State agencies for review including, the Departments of Transportation, Environment, Natural Resources, Business and Economic Development, Housing and Community Development, and Agriculture. Any plan review comments received to date from the various State agencies have been included as attachments for your consideration. Comments received after the date of this letter will be forwarded to you upon receipt.

The attached comments reflect our thoughts on ways to strengthen the Plan as well as satisfy State requirements. We hope that consideration will be given to all of our comments as revisions are made, and to any future plans, ordinances, and policy documents that are developed. We understand that a Public Hearing has been tentatively scheduled for July 28th, 2008; and it is our wish that you add our comments to the record of the hearing.

Please contact me at (410) 767-4500 or Keith Lackie, Regional Planner/Circuit Rider for the Lower Eastern Shore, at (410) 713-3460.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephanie Martins".

Stephanie Martins
Director, Land Use and Planning Analysis

Attachments

cc: Keith Lackie
Tim Bourcier, DBF, Inc.

**Maryland Department of Planning
Review Comments
Draft Sharptown Comprehensive Plan**

The Visions

Maryland's Planning Act of 1992 and subsequent legislation in 2000 requires that the eight Visions be included and implemented through the comprehensive plan. Overall, the Town has done a fair job of incorporating the Visions into meaningful Plan goals, policies, and recommendations, however, the following comments may strengthen the document.

Furthermore, it should be noted that, the general formatting of the text, tables, figures, photographs and maps are well designed, and result in a user-friendly, attractive document.

Population Projections

In general, the social, economic and housing data presented in the Plan are U.S. Bureau of the Census data and have been provided by the Maryland Department of Planning (MDP). MDP developed three reference population projections for the Town of Sharptown for comparison purposes with the population projection presented in the Comprehensive Plan. The projections are for the 2000 through 2030 period. Each projection suggests a different development outcome for the Town, these are; substantial decrease in population, and either a significant or dramatic increase in population. The three reference projections provide a range of population levels from 596 persons (a decrease of 53 persons or -8.2 percent), to 901 persons (an increase of 252 persons or 38.8 percent).

The reference population projections we developed that incorporate anticipated growth in Wicomico County leads us to expect modest growth in Sharptown over the period. For planning purposes, we recommend the officials of Sharptown expect a population size from 680 to 900 persons by the year 2030.

We also recommend that Sharptown participate in the U.S. Bureau of the Census' Annual Boundary and Annexation Survey, so that accurate Town boundaries are delineated for the upcoming 2010 Census of Population and Housing.

MUNICIPAL GROWTH ELEMENT (MGE)

MDP has reviewed the Town's Municipal Growth Element and determined that, although many of the requirements of HB 1141 have been sufficiently addressed, several modifications should be made to meet the requirement of this legislation.

The purpose of the Municipal Growth Element is to identify areas for future growth consistent with the long-range vision of the Town for its future. The growth element

should be developed based on consideration of several factors including population projections, an assessment of land capacity and needs, and an assessment of infrastructure and sensitive areas, *as affected by the impacts of development within the Growth Areas*, as well as within the existing municipal boundary.

COMMENTS ON POPULATION PROJECTIONS AND BUILD OUT ANALYSIS:

The Town has done a good job of incorporating population projections and a development capacity/build out analysis into the draft plan. However, it is difficult to determine the link between population growth/projections and land supply/capacity for development.

HB1141 also requires that a capacity analysis be conducted for the Town's four potential growth areas (page 40). By completing this analysis the Town will be able to analyze the need for future annexations. In the context of planning, this analysis is important because it helps to determine if there is the proper balance between land supply and demand.

- Provide too little land for development (be it on greenfields, redevelopment, or infill), and the land cost will become too high or development may spill over to adjacent jurisdictions.
- Provide too much land for development and it will tend to be used inefficiently. In addition, plans and growth controls will be marginalized because there are an abundance of locational options for each new development.

MGE - GENERAL COMMENTS

- It would be helpful if the existing and proposed Land Use Maps, currently found in the appendix, were located with the related text (page 39) or a reference to location of the maps were provided in the text.
- Map 5, "Growth and Planning Areas" shows growth areas one through four as well as a "planning area." What are the "planning areas?" They are not discussed in the draft plan and if these areas are also areas that are considered for future annexation, a capacity analysis and infrastructure impact analysis should be completed for these areas as well. Are these "planning areas" intended as a "rural buffer and transition area"? If so, this needs to be more thoroughly identified. If this "planning area" is not intended as a "rural buffer and transition area", then this item, as required by HB1141, has not been addressed within the plan.
 - Growth Area 1 includes land that is not designated as a "Town Growth Area" within the Wicomico County Comprehensive Plan. Portions of the proposed Growth Area are designated as being a "Conservation" area, reflective of environmental sensitivity. The apparent conflict between the County and Town vision for this proposed Growth Area should be reconciled.

- Growth Area 3 includes land that is not designated as a “Town Growth Area” within the Wicomico County Comprehensive Plan. Portions of the proposed Growth Area are designated as being an “Agriculture/Resource Area”, which the County intended “to prevent developments that require urban services, and to preserve the agricultural base and rural lifestyle of the County”. The apparent conflict between the County and Town vision for this proposed Growth Area should be reconciled.
- Growth Area 4 includes a small area of land designated as a “Conservation Area” within the County’s Comprehensive Plan. The apparent conflict between the County and Town vision for this proposed Growth Area should be reconciled.
- While the draft Plan does outline potential future annexation areas, the intended use (single-family, commercial, industrial...), proposed density, and a timeframe for each of these areas should be included.
- The Plan should project additional community facility needs and the potential location for those facilities. Additional information should be provided on the potential impacts of the projected growth on all community facilities, even those the Town does not provide now.
- A more detailed plan for how the Town plans on financing future facility needs is necessary. If it is the Town’s intent that developer(s) absorb infrastructure expenses associated with major development, what portion of the costs should developer(s) absorb? Should the developer(s) donate land for a school site, pay for the update of a treatment plant, or increase capacity for public water? Under what conditions should the developers provide such assistance?
- Map 4, Future Land Use, shows a proposed reduction in agricultural land and a reclassification to commercial use. This will attract increased vehicular and pedestrian usage, which could impact ingress and egress patterns, especially near State Highway facility MD 313. In order to facilitate safe and efficient accessibility to the commercial sites, State access management policy may require an easement and/or reduction in commercial land use for parcels adjacent to MD 313.
- On Page 37, within the last paragraph of the “Development Capacity Analysis” section, it should be noted that the development capacity analysis performed by the MDP only takes into consideration residential uses.
- On Page 41, it seems inconsistent to state (as found in the middle of the second paragraph under the “Growth Area 4” section) that “this area should not be developed since adequate residential and commercial development is better suited within Growth Areas 1 through 3”, and then end the paragraph stating it not be

considered “for at least 15 years”. Perhaps it would be best to revise the sentence in the middle of the paragraph, to indicate that this area “should only be considered for development *as a last resort*”, thereby removing this apparent inconsistency.

- On Page 42, within the “Public Schools” section, it is suggested that this section be updated to reflect the most current information found in the 2007/2008 Wicomico County Educational Facilities Master Plan.
- On Page 42, within the “Public Safety and Emergency Services” section, it is suggested that some discussion be provided relative to Emergency Medical Services. Also, perhaps it would be appropriate to suggest the types (or give examples) of “programs to assist in reducing the number of responses” suggested in the last sentence of the first paragraph.

WATER RESOURCES ELEMENT (WRE)

To ensure the adequacy of water supplies to support the existing and future development in the proposed land use plan, the Sharptown Comprehensive Plan includes a demand forecast and compares this to expected capacity (p. 46).

COMMENTS ON THE “WATER DEMAND ANALYSIS”:

- The Town should be commended for providing a very clear comparison of future demand versus expected capacity. This information is included in Table 7-1 (p. 46). The Town also compares future demand to its current water appropriation permit (p. 46) and notes that projected growth for 2030 potentially may cause the Town to exceed its permit limits.
- The Town mentions the possibility of failing wells in Growth Area 4 (p. 41). The WRE could list as a water resource policy that the Town will reserve a certain amount of capacity for serving failing wells.
- A second table, similar to Table 7-1 (p. 46), could be provided to calculate the Projected Supply Needs beyond 2030. This table could list remaining potential build-out (residential and commercial EDUs) within the current Town boundaries after 2030 (refer to p. 38), and could list the EDUs needed to serve the four Growth Areas mentioned in the MGE.
- Overall, on the water supply side, the review of the supply indicates that there is sufficient infrastructure and quantity to meet the existing uses and the projected growth within the existing municipal boundary. However, it does not appear that an analysis on water demand has taken into account any impact of development of the proposed growth areas.

COMMENT ON "METHODS FOR PROTECTING THE TOWN'S SOURCE WATER":

- The plan does not discuss policies for protecting the Town's source water. Two of the wells used by the Town are unconfined (p. 45). The WRE should include a policy, for example, establishing wellhead protection areas, to prevent further contamination of these wells. Protection of the current water supply could prevent the need to pursue the water supply options identified in the Community Facilities Element (p. 29).

COMMENTS ON "IDENTIFYING SUITABLE RECEIVING WATERS":

The Sharptown Comprehensive Plan identifies the primary waterbody (the Nanticoke River) affected by the Town's land use impacts (p. 49), includes Tier II waterbodies affected (p. 50), and identifies the WWTP discharge point location (p. 47). Although the plan does not include a specific discussion of whether the waterbody is a suitable receiving water for expected land use impacts, the WRE does include a forecast of stormwater impacts (p. 49) and impervious surface increases (p. 50), and notes the limit of potential wastewater impacts (p. 48).

- The comprehensive plan should include a single calculation of current wastewater flow and use that throughout the document. In the Community Facilities Element, current wastewater flows are listed as 224,400 gallons per day (p. 30), while in the Water Resources Element, flows are listed as 110,000 gallons per day (p. 47).
- Anticipated sewerage flows are calculated to add 37,500 GPD from projected growth by 2030 (p. 47). These additional flows are based on infill from residential and commercial demands. In addition, the Plan should consider sewer and water demands from the remaining potential build-out (residential and commercial EDUs) within the current Town boundaries after 2030 (refer to p. 38), and could list the EDUs needed to serve the four Growth Areas mentioned in the MGE (pp. 40 and 41).
- On the sewer system side, the land use analysis indicates that projected growth will not outstrip the plant's current capacity, but it will have to be monitored with a Capacity Management Plan (CMP) as it will reach well over the 80% capacity threshold, with current I/I problems. Expecting the inflow and infiltration problems to be corrected, the Town does not anticipate a CMP will be needed and so expects that the existing WWTP is sufficient to meet their projected growth demands. Regardless of which situation prevails, the Town should prepare a CMP to assist in the allocation process and overall management of operations at the WWTP.
- The Town should be commended for noting the constraint of the Maryland Tributary Strategy point source cap on potential WWTP capacity (p. 48). This discussion notes that given projected growth, treatment upgrades at the WWTP

would be needed for the effluent to remain within the point source limits for nitrogen or phosphorus. A table could be prepared that shows the number of additional EDUs that could be accommodated without WWTP treatment upgrades. The table could also compare projected WWTP loads with and without treatment upgrades.

- Consider providing an additional table that shows both the current WWTP and nonpoint source nutrient loads and forecasted WWTP and nonpoint source nutrient loads.

WRE - GENERAL COMMENTS:

- In recognition of the importance of protecting and restoring the Chesapeake Bay and its tributaries, including the Nanticoke River, the Sensitive Areas element should discuss how the Town will contribute towards implementing the Chesapeake Bay Tributary Strategy.
- Please refer to the review criteria for drinking water, wastewater, and stormwater (pp. 27, 32-33, 39-40) in the Water Resource Element Models & Guidelines document for further guidance - <http://www.mdp.state.md.us/mgs/pdf/mg26.pdf>.
- For more information on the Chesapeake Bay Tributary Strategy, see http://www.dnr.state.md.us/bay/tribstrat/implementation_plan.html

COMMUNITY FACILITIES ELEMENT

- Within the “Other Community Facilities” section, under “Parks and Recreation” (Page 31), table 4-2 should be expanded upon, providing discussion of issues such as: who maintains these facilities, the types of amenities at each facility, and discussion of events that occur at the Carnival Grounds (which is a mainstay of the community). Absent such discussion, it seems that the chart provides limited benefit to the Plan.
- Within the “Educational” section (Page 31), the Draft Comprehensive Plan provides valuable information on the current status of its existing Pre-Kindergarten to 12th grade educational facilities and future plans to expand Mardela Middle/High School. For the purpose of providing a more detailed analysis, the Comprehensive Plan should include a map illustrating the existing schools’ exact locations, enrollments, and capacity data. Not only is this information useful to help determine that the objectives of the Maryland Public School Construction Program are met, but it is also used to measure consistency between the local planning process and the County’s Educational Facilities Master Planning efforts. It is also suggested that some discussion be provided addressing the relationship between the County Board of Education (which operates the schools) and the Town as it relates to adequacy of educational facilities.

- Within the “Public Offices and Administrative Facilities” section, more detail should be provided, such as an analysis of the number of full and part-time employees and what functions they serve.

SENSITIVE AREAS ELEMENT

- Within the “Streams, Wetlands and Their Buffers” section as well as the “Policies and Recommendations” section, the plan proposes a laudable, yet impractical, policy to “prohibit development and deforestation within the 100-foot Buffer”. For both Tidal Buffers (regulated under the Town’s and DNR’s Critical Area Law) and Non-tidal Buffers (regulated under the MDE’s Non-tidal Wetland Regulations), under limited circumstances, development activity and/or clearing are permitted. More specifically, the Critical Area Law permits development within the 100-foot Buffer for “water-dependent facilities”, and access to the shoreline. It is suggested that this statement be revised, or expanded upon, to reflect these circumstances, with an emphasis on minimization of disturbance to the buffers.
- Within the “Goals and Objectives” section, it is suggested that the first goal be expanded upon to include other applicable Federal, State, and Local Environmental Protection Laws, such as the Floodplain Law, Habitat Protection Law and Non-tidal Wetland Law.
- Within the “Endangered Species Habitat” section, was the Natural Heritage Division of the Maryland Department of Natural Resources contacted to determine the absence/presence of Rare, Threatened or Endangered (RTE) Species within the existing municipal boundary or the Growth Areas? If there are such species present, they should be identified on a Map and discussed within the text. If there are no RTE species, it seems appropriate to indicate as such.
- There is no discussion of the Forest Conservation Law within the Plan. Does the County Administer the Forest Conservation Law on behalf of the Town?
- Within the “Policies and Recommendations” section, the only sensitive areas policies stated relate to the Critical Area. It is suggested that discussion of policies with respect to other Environmental Protection Laws (such as the Floodplain Law, or Non-tidal Wetland Law) be provided. While recognizing that there are no mapped Non-tidal Wetlands within the existing municipal limits, they do appear to exist within a proposed Growth Area. Furthermore, the floodplain affects both existing municipal lands and lands within a Growth Area.
- The Town of Sharptown is part of the Lower Eastern Shore Certified Natural Heritage Area. Inclusion in the Heritage Area requires that a comprehensive plan reference be made to the Heritage Tourism Plan. At a minimum, MDP suggests inclusion of the following language in the comprehensive plan: “The Lower

Eastern Shore Heritage Area Tourism Management Plan certified in June of 2003, and as may be amended from time to time in the future, is hereby incorporated, by reference, in the Town of Sharptown Comprehensive Plan”.

TRANSPORTATION ELEMENT

In general, the Draft plan does a good job of addressing the Town’s transportation related issues. The following minor comments address highway management and commercial land use planning issues.

- Future growth is designated along the MD 313 corridor. Integrating land use planning with highway access management along MD 313 will help to prevent strip type of sprawl land uses and protect highway safety and capacity. The Transportation Element of the plan discussed the need to minimize unnecessary direct property access onto MD 313. To reflect this discussion, we suggest the Town add language to Goal/Objectives (page 51) to address this need. The goal statement could be modified as: *Encourage intergovernmental cooperation with the State Highway Administration to best provide access to properties along State roadways while protecting the integrity of highway safety and capacity.*
- The plan designates commercial land uses in three areas: the Town Center District, Growth Area 3, and an in-town area adjacent to MD 313 south of the Town. Although the two areas near MD 313 are designated as highway commercial to serve the Town’s existing and future population as well as regional residents, the Town may not want such highway commercial development as it may impede the vision of developing a Town Center District.
- The plan dedicates nearly two full pages to the discussion of “Levels of Service Standards” (pages 52-54); however, it does not appear that any discussion of the actual Level of Service for Sharptown’s roads and/or intersections exists within the plan. Perhaps it would be beneficial to provide a Table, or another transportation map, which identifies levels of service for the existing road system.
- Within the “State and Local Responsibilities” section, there needs to be some discussion of the County/Town agreement for use of Highway User Fees, whether this agreement meets the Town’s needs, and if not meeting the needs of the Town, some suggested improvements should be provided.
- Within the “Financial Impact and Funding Mechanisms” section, the last sentence of the first paragraph should be revised to state “...through properly executed agreements such as Developer Rights and Responsibilities Agreements, Annexation Agreements, and public works agreements”. Also, within the second paragraph of the section, which addresses “continued maintenance” a discussion of budgeting to anticipate street repair seems to ignore the current Highway User Fee agreement between the County and the Town.

PLAN IMPELEMENTATION ELEMENT

It seems appropriate to extract all of the Policies and Recommendations, from each Element of the Plan, and place them within the Plan Implementation Element. Several policies and recommendations outlined in the previous sections of the Plan are excluded.

GENERAL COMMENTS

- Page 3: Within the first paragraph (preceding “The Smart Growth Initiative” section), last sentence, please revise to state “Factors considered by the State include: provision of public water and sewer, *site location within a locally designated growth area of the adopted Comprehensive Plan*, as well as permitted density by zoning category, and a supply/demand analysis”.
- Page 7: Within the Location section, should the distances cited for the nearest urban centers be swapped to state that Laurel is eight miles and Seaford is twelve miles from Sharptown?
- Page 27: Within the second sentence of the third paragraph, it is recommended that after the words “Map 1” the following be added “, located within Appendix A,” as this is the first reference of a map within the Plan, and the map does not immediately follow the text reference.
- Page 27: Within the first paragraph of the “Water Supply” section the reference to “groundwater reservoirs” should be revised to refer to “groundwater *aquifers*” as the Town does not have a reservoir system.
- Page 30: Within the last paragraph, second sentence, should the sentence state “Due to the Town producing relatively *large* amounts of sludge...” as opposed to the stated “small” amounts of sludge?
- Page 34: The last sentence within the “Residential” section should be revised to state “Many *residents* within the...” as opposed to “many homes within...”. Also, it is recommended that the last sentence of the “Parks and Recreation” section be revised to end “...in the Community Facilities section *of the Municipal Growth Element*”.
- Page 43: Within the middle of the last paragraph of the “Parks and Recreation” section, the recommended acreage of parks per new household should be 0.075 not 0.7 acres per household.
- Page 45: The first sentence of the Introduction should be revised to state, “in 2006 the Maryland Legislature required all *Counties and Municipalities* to examine their water resources when predicting future growth.”

- Page 47: Within the middle of the second paragraph of the “Wastewater Treatment” section, the sentence should be revised to state that “fixing inflow and infiltration problems will greatly *increase* plant capacity” not ‘reduce’ capacity.
- Page 48: Within the “Septic Systems” section, some elaboration seems appropriate. Why are these two properties on private septic systems? Is there a requirement (and if not should there be) for these systems to be abandoned and placed on the Public wastewater system?
- Page 49 and 50: These pages refer to “Impervious Space”, which is an unfamiliar term to this Department. Is this a standard term used by MDE or another regulating agency, or should the reference be to *impervious surface*?
- Page 50: Within the “Wastewater Treatment” section of the Policies and Recommendations, it is recommended that the concept of development of a CMP be included, as discussed earlier within the element.
- Page 59: The second sentence of the first paragraph should refer to the housing as “workforce housing” as opposed to “affordable housing” to properly reflect the terminology used within State Law.
- Map 2 and Map 3: The “Vacant” and “Developable Land” parcels found on the two maps do not coincide. It is not apparent as to why these do not match, and perhaps some discussion within document should be provided, if indeed these differences are purposeful.
- Map 4: There are no “Institutional” land uses shown on this map, and therefore, many existing land uses, such as churches, are shown as intended for “Residential” use in the future.
- Map 8 -: The Map indicates that the land area immediately west of Corporation Road, which is outside of the municipal limits, is classified as IDA; however the Critical Area text, found on page 67, indicates that this area is LDA. Please confirm the land use designation for this area and adjust either the map or text accordingly.
- Map 9: This map correctly indicates the 100-foot Buffer associated with the Critical Area Law. However, as the map also shows both emergent and forested non-tidal wetlands, it is recommended that a 25-foot buffer be indicated for this particular sensitive area (as required under MDE Non-tidal Wetland Regulations).